## REMARKS

The Applicant does not believe that entry of the foregoing amendment will result in the introduction of new matter into the present application for invention. Therefore, the Applicant, respectfully, requests that the above amendment be entered in and that the claims to the present application, kindly, be reconsidered.

The Office Action dated May 28, 2004 has been received and considered by the Applicants. Claims 1-27 are pending in the present application for invention. Claims 1, and 13-24 stand rejected and Claims 2-12, and 25-27 are objected to by the May 28, 2004 Office Action.

The Office Action rejects Claims 17-23 under the provisions of 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that Claims 17-23 are vague and indefinite since there are no positively recited method steps in the claims for defining an actual process for the method. The Applicant, respectfully, disagrees and asserts that Claims 17-23 positively recited method steps in their current form. However, in an effort to move this case towards allowance, Claim 17 has been amended to more clearly identify the method step recited, therein. There is no rejection of Claims 17-23 based on prior art. Accordingly, Claims 17-23 are believed to be allowable.

The Office Action rejects claims 1, 13-16, and 24 under the provisions of 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 6,567,409 issued to Tozaki et al. (hereinafter referred to as Tozaki et al.).

The Examiner states regarding Claims 1, 15, and 24, that Tozaki et al. teach a method of converting an input data stream having a Program Stream (PS) format into an output data stream having a Transport Stream (TS) format in Fig. 6 and at column 12, lines 57-63. Here the Examiner refers to the data stream converting apparatus 84 and the method to convert MPEG-2 PS data stream to TS data stream taught by Tozaki et al.

The Examiner additionally states that Tozaki et al. teach reading from said input data stream successive blocks of data, said input data stream including data of at least first and second elementary data streams formed and multiplexed in compliance with a PS decoder model and accumulating the data of the first and second elementary streams

respectively in first and second queue structures at column 1, lines 61-65. Here the Examiner refers to the accumulating the first data stream which includes a plurality of first data groups into a first converting buffer. The Applicant, respectfully, points out that this element requires that the first and second elementary data streams formed and multiplexed in compliance with a PS decoder model. Tozaki et al. do not disclose or suggest that the first and second elementary data streams are formed and multiplexed in compliance with a PS decoder model. Tozaki et al. teach at column 1, lines 61-65 that the first data stream apparatus converts a first data stream from the first buffer for accumulating the first data stream into a second data stream and supplies the second data stream to a second buffer for accumulating the second data stream. The present invention as recited by the rejected claims defines subject matter for converting multiplexed data streams from one multiplexed format into another multiplexed format (transmultiplexing). The disclosure of Tozaki et al. does not pertain to transmultiplexing and therefore can not anticipate the rejected claims to the present invention.

The Examiner further states that Tozaki et al. teach establishing a TS target decoder model including hypothetical first and second buffers for the first and second elementary streams respectively; and generating a succession of transport packets to form said output data stream conveying said first and second data streams in said TS format, by reference to said target decoder model in Fig. 6, and at column 3, lines 34-64. Here the Examiner is refers to converting a program stream supplied from a first buffer for accumulating the program stream into a transport stream standardized by MPEG-2, and supplying the transport stream to a second buffer for accumulating the transport stream. The Applicant respectfully, points out that that Tozaki et al. do not teach conveying said first and second data streams in said TS format, by reference to said target decoder model as required by the rejected claims. Therefore, again, Tozaki et al. do not anticipate the subject matter defined by the rejected claims.

The Examiner further states that Tozaki et al. teach updating the status of said hypothetical first and second buffers within said TS target decoder in response to each transport packet generated and predetermined properties of said decoder model; wherein each transport packet comprises data from either the first queue, the second queue or neither queue, depending on the scheduling of said elementary streams within the input data stream and on the state of said first and second buffers within said TS target decoder model at column 20, lines 19-34. Here the

Examiner refers to the setting up the upper limit and the lower limit and the capacity of the buffer on the basis of the difference between these limits and calculating a difference between the first amount and the second amount disclosed at column 20, lines 19-34 of Tozaki et al. The Applicant, respectfully, points out that the rejected claims defines subject matter for updating the status of said hypothetical first and second buffers within said TS target decoder depending on the scheduling of said elementary streams; which is not taught by Tozaki et al. Therefore, there are again elements not found within the rejection made by the Office Action.

The Examiner further states that Tozaki et al. teach a method that includes inhibiting reading of a further data block from said stream when, in the absence of a vacancy for data of said second elementary stream within the target decoder model at column 24, lines 37-56. Here the Examiner is referring to preventing that the converting operation suspended due to occurrence of lack of data in the second buffer. The Applicant, respectfully point out that Tozaki et al. do not teach target decoder model for transmultiplexing as defined by the rejected claims, therefore, Tozaki et al. do not anticipate the rejected claims.

The Examiner further states that Tozaki et al. teach a clock reference of said input data stream advances beyond a clock reference of said output data stream by a predetermined waiting threshold at column 4, lines 59-67. The Applicant, respectfully, points outs that Tozaki et al. disclose a time measuring device for calculating the first amount by using the extracted SCR and the measured elapsed time; which equivalent to the clock reference of said input data stream advances beyond a clock reference of said output data stream by a predetermined waiting threshold as defined by the rejected claims. Therefore, Tozaki et al. does not anticipate the rejected claims.

The Applicant, respectfully, points out that there are numerous elements within the rejected claims that are not addressed by the Office Action. "To anticipate a claim, a prior art reference must disclose every limitation of the claimed invention, either explicitly or inherently." In re Schreiber, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997). There are fundamental differences between the subject matter defined by the rejected claims and the disclosure of Tozaki et al. Tozaki et al. do not teach transmultiplexing, which is the subject matter defined by the rejected claims, therefore, Tozaki et al. do not anticipate the rejected claims.

The Examiner making the rejection with regard to Claims 13-14 states that Tozaki

et al. further teaches a method of extracting the video packs and the audio packs from the PS and separately supplying the video packs and the audio packs to the video buffer and the audio buffer and where the average data rate in the video buffer is substantially greater than the average data rate in the audio buffer. The Applicants would like to, respectfully, point out that Claims 13 and 14 depend from the claims previously discussed and further narrow and define those claims. Therefore, Claims 13 and 14 are believed to be allowable.

The Examiner making the rejection with regard to Claim 16, states that Tozaki et al. further teaches a method for converting the PS reproduced from the DVD 1 into the TS and outputting this TS to a television designed to reproduce and display audio and visual information provided by the TS. The Applicants would like to, respectfully, point out that Claim 16 depends from the claims previously discussed and further narrows and defines those claims. Therefore, Claim 16 is believed to be allowable.

The Office Action objects to Claims 2-12 and 25 as being dependent upon a rejected base claim. The Applicant, respectfully, asserts that these claims from which Claims 2-12 and 25-27 depend are believed to be allowable for the above states reasons. Therefore, Claims 2-12 and 25-27 depend are believed to be allowable.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By _____

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